

### REMARKS/ARGUMENT

Claims 1-10 are pending in this application. Claims 1-10 stand rejected. In light of the remarks set forth below, Applicant respectfully submits that each of the pending claims is in immediate condition for allowance.

Applicant submits herewith drawing changes for Figures 1, 2, 3, 5, 7 and 8. Therefore, Applicant requests that the Examiner withdraw the objection to the Figures.

Claims 1 and 8 are rejected under 35 U.S.C. § 103(a) over U.S. Patent No. 5,353,348 ("Sendyk") in view of JP 01-245661 ("Kazunori"). Applicant respectfully requests withdrawal of this rejection.

To establish a prima facie case of obviousness, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify a reference or combine references to arrive at the claimed subject matter. The prior art references must also teach or suggest all the limitations of the claim in question. See, M.P.E.P. § 706.02(j). A reference can only be used for what it clearly discloses or suggests. See, In re Hummer, 113 U.S.P.Q. 66 (C.C.P.A. 1957); In re Stencel, 4 U.S.P.Q.2d 1071, 1073 (Fed. Cir. 1987). Here, the references, whether taken individually or in combination, do not disclose or suggest the invention claimed by the Applicant.

According to the present invention, as explicitly recited in independent claims 1 and 8, there are two distinct variable gain controllers, one for the transmitter and one for the receiver, which allows for the flexible alteration of gain.

Sendyk discloses a single variable gain control 30 which receives inputs from comparators 20 and 32. Variable gain control 30 then adjusts the gains of attenuators 26 and 40 simultaneously. It should be noted that gain control 30 makes a single determination based on both inputs from comparators 20 and 32. Variable gain control 30 cannot process the data from one of the comparators and adjust a single corresponding variable gain accordingly. See, e.g., column 5, lines 40-54. Thus, Sendyk clearly does not show or suggest receiving such control separate and distinct from the transmitting side control section, explicitly recited in Applicant's claims and admitted in the present Office Action. See, Office Action at 3.

The Office Action attempts to cure the above deficiency in Sendyk using Kazunori. However, this combination fails to teach Applicant's explicitly recited invention. In Kazunori, there are two voice switch control parts 10A and 10B which attenuate the signal when the level between a transmission signal and a reception signal exceeds a prescribed level using echo cancellers 9A and 9B. The Office Action equates the voice switch control parts 10A and 10B with Applicant's explicitly recited transmitting side control section and receiving side control section. However, this is incorrect. The howling suppression device depicted in Figure 1 of Kazunori merely has two distinct signal paths or

channels, the one designated on the left half of the dashed line and that on the right half of the dashed line of Fig. 1. 9A and 9B are not separate and distinct receive and transmit attenuators just as 10A and 10B are not distinct transmit and receive controllers. The circuitry disclosed merely corrects the signal from two separate and distinct signal paths. Thus, Kazunori fails to disclose the distinct receive and transmit controllers for the receive and transmit sections explicitly recited in Applicant's claim.

Thus, whether taken alone or in combination, the combination of Sendyk and Kazunori fail to disclose independent claims 1 and 8.

Claims 2-7 depend from, and contain all the limitations of claim 1. These dependent claims also recite additional limitations which, in combination with the limitations of claim 1, are neither disclosed nor suggested by the combination of Sendyk and Kazunori and are also directed towards patentable subject matter. Thus, claims 2-7 should also be allowed.

Claims 9-10 depend from, and contain all the limitations of claim 8. These dependent claims also recite additional limitations which, in combination with the limitations of claim 8, are neither disclosed nor suggested by the combination of Sendyk and Kazunori and are directed towards patentable subject matter. Thus, claims 9-10 should also be allowed.

Applicant has responded to all of the rejections and objections recited in the Office Action. Reconsideration and a Notice of Allowance for all of the pending claims are therefore respectfully requested.

The amendments to the claims are for clarification purposes only and are not intended to limit the scope of the claims in any way. It is asserted that the present amendment places the application in a form for allowance. Entry of this amendment is therefore earnestly solicited.

If the Examiner believes an interview would be of assistance, the Examiner is welcome to contact the undersigned at the number listed below.

Dated: August 1, 2003

Respectfully submitted,

By 

Ian R. Blum

Registration No.: 42,336

DICKSTEIN SHAPIRO MORIN &  
OSHINSKY LLP

1177 Avenue of the Americas - 41st Floor  
New York, New York 10036-2714  
(212) 835-1400  
Attorney for Applicant

IRB/mgs